

**Amendments to the Drawings:**

Replacement sheets representing formal drawings of Figures 1 through 7B are being submitted herewith. No amendments to the drawings have been made by way of this paper. Applicants request consideration and approval of the formal drawings by the Examiner.

Enclosures: Replacement Figures 1 through 7B

### **REMARKS**

Claims 1-33 are pending in this application. Of these pending claims, Claims 1, 4-6, 10-18, 21, 24, 26-28, 31 and 32 stand rejected; and Claims 2, 3, 7-9, 19, 20, 22, 23, 25, 29, 30 and 33 stand withdrawn from consideration. By way of this paper, Claim 28 has been amended; and new Claims 34-38 have been added herein.

The foregoing amendments and following remarks are believed to be fully responsive to the outstanding office action, and are believed to place the application in condition for allowance.

### **Formal Drawings**

Formal drawings are being submitted herewith. No amendments to the drawings have been made by way of this paper. Applicants request consideration and approval of the formal drawings by the Examiner.

### **Claim Rejections – 35 U.S.C. § 103**

Claims 1, 4-6, 10, 11-18, 24, 26-28, 31, and 32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Jagannathan et al. ('327) reference.

Independent Claims 1 and 17 include the feature of depositing one marking material under distinct first and second conditions during a given material deposition application in order to create, for example, an article having multiple colors and/or multiple color shades (specification, page 5, lines 25-31). Applicants submit that this feature is not contemplated by the Jagannathan et al. ('327) reference.

In this respect, Applicants submit that the Jagannathan et al. ('327) reference contemplates creating and maintaining a desired condition (for example, pressure or temperature) for a given material deposition application (col. 5, lines 29-31, 51-53). As such, there is no suggestion provided in the Jagannathan et al. ('327) reference that would lead one of ordinary skill in the art to conclude that an article having multiple colors and/or multiple color shades can be created by depositing one marking material contained under distinct first and second conditions on a receiver. Consequently, one of ordinary skill in the art would not be motivated to use the Jagannathan et al. ('327) reference in the manner described by the Examiner. In fact, it would appear that the only motivation for

doing so comes from Applicants' disclosure. Such reconstruction of the prior art from hindsight gained by Applicants' disclosure is not a proper basis for determining obviousness. Accordingly, reconsideration and withdrawal of the 35 U.S.C. §103 rejection of Claims 1 and 17 is respectfully requested.

Independent Claim 28 has been amended to more clearly describe that the condition controlling device is operable to vary a process parameter associated with delivery of the mixture of the compressed fluid solvent and the marking material. Support for this amendment can be found on at least page 5, lines 25-31 of Applicants' specification. Applicants submit that this feature is not contemplated by the Jagannathan et al. ('327) reference.

In this respect, Applicants submit that the Jagannathan et al. ('327) reference contemplates creating and maintaining a desired condition (for example, pressure or temperature) for a given material deposition application (col. 5, lines 29-31, 51-53). As such, there is no suggestion provided in the Jagannathan et al. ('327) reference that would lead one of ordinary skill in the art to conclude that the condition controlling device disclosed by the Jagannathan et al. ('327) reference is operable to vary a process parameter associated with delivery of the mixture of the compressed fluid solvent and the marking material for a given material deposition application. Accordingly, reconsideration and withdrawal of the 35 U.S.C. §103 rejection of Claim 28 is respectfully requested.

The remainder of the claims being dependent from one of Claims 1, 17, and 28, are considered patentable for at least the same reasons.

#### **New Claims**

Claims 34-38 have been added herein. Applicants submit that Claims 34, 35, and 36 are generic, and that Claim 37 relates to the elected species.

Independent Claim 34 includes the feature of varying the first condition to achieve a second condition using a condition controlling device, the second condition being distinct from the first condition. Support for this feature can be found on at least page 5, lines 25-31, of Applicants' specification.

Claim 35, depending from Claim 34, includes the feature of varying the first condition to the second condition using the condition controlling device prior to controllably depositing the marking material on the receiver by delivering the mixture of the compressed fluid solvent and the marking material toward the

receiver, the mixture being contained under the second condition. Support for this feature can be found on at least page 7, lines 17-22, of Applicants' specification.

Claim 36, depending from Claim 34, includes the feature of varying the first condition to the second condition using the condition controlling device during controllably depositing the marking material on the receiver by delivering the mixture of the compressed fluid solvent and the marking material toward the receiver, the mixture being contained under the second condition. Support for this feature can be found on at least page 7, lines 17-22, of Applicants' specification.

Applicants submit that the features of Claims 34-36, changing a process parameter(s) or condition(s) either prior to or during marking material deposition, are not contemplated by the Jagannathan et al. ('327) reference.

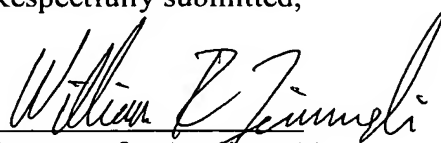
In this respect, Applicants submit that the Jagannathan et al. ('327) reference contemplates creating and maintaining a desired condition (for example, pressure or temperature) for a given material deposition application (col. 5, lines 29-31, 51-53). As such, there is no suggestion provided in the Jagannathan et al. ('327) reference that would lead one of ordinary skill in the art to conclude that an article having multiple colors and/or multiple color shades can be created by using one marking material and varying or changing a process parameter(s) or condition(s) either prior to or during marking material deposition. Claims 37 and 38 depend from claim 34. Accordingly, allowance of Claims 34-38 is respectfully requested.

### **CONCLUSION**

It is respectfully submitted that, in view of the above amendments and remarks, this application is now in condition for allowance, prompt notice of which is earnestly solicited.

The Examiner is invited to call the undersigned in the event that a phone interview will expedite prosecution of this application towards allowance.

Respectfully submitted,

  
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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.